

HOUSE BILL No. 1458

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34-1.

Synopsis: Child in need of services. Provides that a child is a child in need of services (CHINS) if a: (1) child's physical or mental health is harmed or at risk of being harmed by an act or omission of the child's parent, guardian, or custodian; or (2) child has an injury or abnormal physical or psychological development or is at risk of a life threatening condition because the child's parent, guardian, or custodian gave the child a toxic or potentially toxic dose of a prescription or nonprescription drug.

Effective: July 1, 2009.

Kersey

January 13, 2009, read first time and referred to Committee on Family, Children and Human Affairs.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1458

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-34-1-2, AS AMENDED BY P.L.2-2005,
2 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 2. (a) A child is a child in need of services if
4 before the child becomes eighteen (18) years of age:

5 (1) the child's physical or mental health is seriously endangered,
6 **harmed, or at risk of being harmed**, due to injury by the act or
7 omission of the child's parent, guardian, or custodian; and

8 (2) the child needs care, treatment, or rehabilitation that:

9 (A) the child is not receiving; and

10 (B) is unlikely to be provided or accepted without the coercive
11 intervention of the court.

12 (b) Evidence that the illegal manufacture of a drug or controlled
13 substance is occurring on property where a child resides creates a
14 rebuttable presumption that the child's physical or mental health is
15 seriously endangered.

16 SECTION 2. IC 31-34-1-11.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

2009

IN 1458—LS 7443/DI 107+



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[EFFECTIVE JULY 1, 2009]: **Sec. 11.5. Except as provided in sections 12 and 13 of this chapter, a child is a child in need of services if:**

(1) the child:

(A) has an injury;

(B) has abnormal physical or psychological development;

or

(C) is at a substantial risk of a life threatening condition; that arises or is substantially aggravated because the child's parent, guardian, or custodian gave the child a toxic or potentially toxic dose of a prescription or nonprescription drug or gave the child a nonprescription drug that is not recommended for the child due to the child's age; and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; or

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

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